**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE ANTONY DOMINIC**

**TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929**

**OP.No. 18975 of 1999(H)**
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**PETITIONER:**
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**JOY, S/O.KURIAKOSE,**
**KOOMULLUKUNNEL,**
**ADIMALY P.O.**

**BY ADV. SRI.THAMPAN THOMAS**

**RESPONDENTS:**
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1. **THE DIVISIONAL FOREST OFFICER,**
   **DIVISION OFFICE, KOTTAYAM.**

2. **THE FOREST RANGE OFFICER,**
   **FOREST OFFICE,**
   **NAGARAMPARA, IDUKKI.**

**BY SPECIAL GOVERNMENT PLEADER SRI.RENJITH THAMPAN**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**OP NO.18975/1999**

## APPENDIX

**PETITIONER'S EXHIBITS**

**EXT.P1: TRUE COPY OF THE ENTRY PASS NO.65/97-98 DATED 4.2.1998 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.**

**EXT.P2: TRUE COPY OF THE ORDER NO.N2-155/98 DATED 28.1.99 OF THE 2ND RESPONDENT TO THE PETITIONER.**

**EXT.P3: TRUE COPY OF THE LETTER DATED 15.2.99 SUBMITTED BY THE MALYAKAL TIMBER INDUSTRIES, PERUMBAVOOR TO THE 1ST RESPONDENT.**

**EXT.P4: TRUE COPY OF THE ORDER NO.A4/6803/98 DATED 23.4.99 ISSUED BY THE 1ST RESPONDENT TO SRI.JOSE JOSEPH, MALIYAKAL TIMBER INDUSTRIES THROUGH THE 2ND RESPONDENT.**

**//TRUE COPY//**

**ANTONY DOMINIC, J.**
**==========**
**O.P NO. 18975 OF 1999**
**==========**

**Dated this the 11th day of September, 2007**

**J U D G M E N T**

The prayer in this original petition is to quash Ext.P4 and to direct the respondents to return 18 logs of timber which was seized from a mill in Perumbavoor. It is noticed that even according to the petitioner, he had sold 18 logs of timber to the mill in Perumbavoor, from which these were seized by the forest authorities. Subsequent to the seizure, the mill owner had lodged a claim as per Ext.P3. With notice to him, the matter was decided and was ordered to be confiscated as per Ext.P4. The contention of the petitioner is that he was the actual owner and that he should have been put on notice, before Ext.P4 order was passed.

In my view, even according to the petitioner, as he had sold the logs to the mill owner, even if notice was not issued

to the petitioner, the proceedings will not get vitiated. Since he had already passed over the title of the goods to the mill owner, none of his rights are affected. Ext.P4, for that reason is not vitiated, and there is no merit in the original petition and it will stand dismissed.

**ANTONY DOMINIC, JUDGE.**

Rp